

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (currently amended) Control element with a mechanical actuator (8) and an electrical or electromechanical switching element (3;4), whereby the switching element (3;4) comprising of at least one push button (5;6) reacting upon pressure and whereby the actuator (8) is arranged elastically or resiliently ~~releactable~~ relocatable or tiltable with respect to the switching element (3;4) or the push button (5;6) respectively and that further an actuating cam (10;11) is provided at the actuator (8) facing the push button (5;6), whereby the actuator (8) and the switching element (3;4) are ~~not directly connected to each other~~ separately mounted parts.

2. (original) Control element according claim 1, whereby the switching element is comprising of two adjacently arranged, identically built up switching elements (3,4) connected to each other, each of them comprising one push button (5,6).

3. (original) Control element according claim 1 with the push button (5;6) comprising of a micro switch, a rubber mat with contacting elements or a twistable punching element.

4. (original) Control element according claim 1 whereby the switching element (3;4) is arranged on a printed circuit board (7).

5. (original) Control element according claim 4 whereby the switching element (3;4) is soldering connected with conducting paths of the printed circuit board (7).

6. (original) Control element according claim 1 with the actuator (8) consisting of plastics, with an open resilient profile for a snapping connection with support elements (9) arranged above or laterally of the switching element (3;4).

7. (original) Control element according claim 1 with the actuator (8) having a concave recess towards its operation side.

8. (original) Control element according claim 1 with the actuator (8) having a tongue protruding to the outside, with concave or convex recessed grip (12) on one or both sides.

9. (original) Control element according claim 1 with the actuator (8) having both a first contact surface (8'') arranged substantially parallel to the push button (5;6) and a second contact surface (8') arranged substantially perpendicular to the push button (5;6) and having a rounded shape.

10. (original) Control element according claim 9 with the first contact surface (8'') comprising of a concave cavity and the second contact surface (8') having at least partially a cylindrical shape.

11. (original) Control element according claim 1 whereby the actuator (8) having a tilting axis (9), which is formed by a pin arranged above the push button (5;6), and whereby the actuator (8) is detachably attached to the tilting axis (9).

12. (original) Control element according claim 1 whereby the actuator (8) is provided of a flexible cover (13) putted over the actuator (8).

13. (original) Control element according claim 12 whereby the flexible cover (13) consists of rubber or rubber like material.

14. (currently amended) Hearing device or hearing aid with a control element with a mechanical actuator (8) and an electrical or electromechanical switching element

(3;4) for the controlling of features of the hearing device or hearing aid respectively, whereby the switching element (3;4) comprising of at least one push button (5;6) reacting upon pressure and whereby the actuator (8) is arranged elastically or resiliently ~~relocatable~~ relocatable or tiltable with respect to the switching element (3;4) or the push button (5;6) respectively and that further an actuating cam (10;11) is provided at the actuator (8) facing the push button (5;6), whereby the actuator (8) and the switching element (3;4) are ~~not directly connected to each other for the controlling of features of the hearing device or hearing aid respectively~~ separately mounted parts.

15. (original) Hearing device or hearing aid according claim 14 whereby the controlled features comprise a volume control and/or a switching of different program modes.

16. (original) Hearing device or hearing aid according claim 14 whereby the switching element (3;4) is connected directly with a printed circuit board (7) of an electronic module of the device at the inside of the housing (2), whereby the actuator (8) is protruding at least partially to the outside from an opening of the housing (2) of the device (1).

17. (original) Hearing device or hearing aid according claim 14 with a support for the actuator (8) arranged within the housing (2) of the device in form of a tilting axis (9).

18. (original) Hearing device or hearing aid according claim 14, whereby the switching element is comprising of two adjacently arranged, identically built up switching elements (3,4) connected to each other, each of them comprising one push button (5,6).

19. (original) Hearing device or hearing aid according claim 14 with the push button (5;6) comprising of a micro switch, a rubber mat with contacting elements or a twistable punching element.

20. (original) Hearing device or hearing aid according claim 14 whereby the switching element (3;4) is arranged on a printed circuit board (7).

21. (original) Hearing device or hearing aid according claim 20 whereby the switching element (3;4) is soldering connected with conducting paths of the printed circuit board (7).

22. (original) Hearing device or hearing aid according claim 14 with the actuator (8) consisting of plastics, with an open resilient profile for a snapping connection with support elements (9) arranged above or laterally of the switching element (3;4).

23. (original) Hearing device or hearing aid according claim 14 with the actuator (8) having a concave recess towards its operation side.

24. (original) Hearing device or hearing aid according claim 14 with the actuator (8) having a tongue protruding to the outside, with concave or convex recessed grip (12) on one or both sides.

25. (original) Hearing device or hearing aid according claim 14 with the actuator (8) having both a first contact surface (8'') arranged substantially parallel to the push button (5;6) and a second contact surface (8') arranged substantially perpendicular to the push button (5;6) and having a rounded shape.

26. (original) Hearing device or hearing aid according claim 25 with the first contact surface (8'') comprising of a concave cavity and the second contact surface (8') having at least partially a cylindrical shape.

27. (original) Hearing device or hearing aid according claim 14 whereby the actuator (8) having a tilting axis (9), which is formed by a pin arranged above the push button (5;6), and whereby the actuator (8) is detachably attached to the tilting axis (9).

28. (original) Hearing device or hearing aid according claim 14 whereby the actuator (8) is provided of a flexible cover (13) putted over the actuator (8).

29. (original) Hearing device or hearing aid according claim 18 whereby the flexible cover (13) consists of rubber or rubber like material.

30. (new) Control element according to claim 1, whereby the actuator (8) is mounted to a housing (2) and the switching element (3;4) is mounted to a printed circuit board (7).

31. (new) Control element with a mechanical actuator (8) and an electrical or electromechanical switching element (3;4), whereby the switching element (3;4) comprising of at least one push button (5;6) reacting upon pressure and whereby the actuator (8) is arranged elastically or resiliently tiltable with respect to the switching element (3;4) or the push button (5;6) respectively and that further an actuating cam (10;11) is provided at the actuator (8) facing the push button (5;6), whereby the actuator (8) and the switching element (3;4) are separately mounted parts.

32. (new) Control element according to claim 14, whereby the actuator (8) is mounted to a housing (2) and the switching element (3;4) is mounted to a printed circuit board (7).

33. (new) Hearing device or hearing aid with a control element with a mechanical actuator (8) and an electrical or electromechanical switching element (3;4) for the controlling of features of the hearing device or hearing aid respectively, whereby the switching element (3;4) comprising of at least one push button (5;6) reacting upon pressure and whereby the actuator (8) is arranged elastically or resiliently tiltable with respect to the switching element (3;4) or the push button (5;6) respectively and that further an actuating cam (10;11) is provided at the actuator (8) facing the push button (5;6), whereby the actuator (8) and the switching element (3;4) are separately mounted parts.